

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JO ANN HOWARD & )  
ASSOCIATES, P.C., *et al.*, )  
Plaintiffs, )  
vs. ) Case No. 4:09CV01252 ERW  
J. DOUGLAS CASSITY, *et al.*, )  
Defendants. )

**MEMORANDUM AND ORDER**

This matter comes before the Court, after independent review of the file, on “Plaintiffs’ Unopposed Motion for Order Requiring Personal Presence of Forever Defendants’ Officers and Directors and Other Defendants for Questioning at September 11 Hearing” [ECF No. 1258].

On August 23, 2013, the Court entered an Order directing counsel for Plaintiffs and counsel for Forever Defendants to appear before it to address the status of several pending motions, including the plaintiffs’ motion to enforce payment of attorney fees. The Court set the matter to be heard on September 11, 2013. Plaintiffs thereafter filed this motion requesting an order requiring the presence of Forever Defendants’ officers and directors, and other defendants, at the September 11 hearing; the Court entered an Order stating the motion to compel attendance would be addressed at the September 11 hearing. In an Order subsequently entered on September 18, 2013, due to receipt of certain information during the hearing, the Court held in abeyance “Plaintiff’s Unopposed Motion for Order Requiring Personal Presence of Forever Defendants’ Officers and Directors and Other Defendants for Questioning at September 11

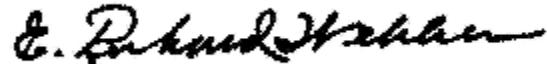
Hearing" [ECF No. 1279].

Thereafter, several of the Forever Defendants' Officers and Directors, and other defendants, surrendered to the Bureau of Prisons to serve sentences imposed in a related criminal case, and these defendants are located in various federal prisons. In the interim since entry of the September 18, 2013 Order, various parties have collaborated with each other and the Court, to arrange depositions of the incarcerated defendants. On January 14, 2014, Plaintiffs filed a "Joint Report Regarding Depositions of Incarcerated Defendants by Plaintiffs and Defendants National City Bank and PNC Bank" [ECF No. 1370]. In light of the preparations underway to depose these individuals, the Court will deny, as moot, "Plaintiffs' Unopposed Motion for Order Requiring Personal Presence of Forever Defendants' Officers and Directors and Other Defendants for Questioning at September 11 Hearing."

Accordingly,

**IT IS HEREBY ORDERED** that "Plaintiffs' Unopposed Motion for Order Requiring Personal Presence of Forever Defendants' Officers and Directors and Other Defendants for Questioning at September 11 Hearing" [ECF No. 1258] is **DENIED, as moot.**

Dated this 18th day of February, 2014.



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E. RICHARD WEBBER  
SENIOR UNITED STATES DISTRICT JUDGE